

WARD: Central **CONTACT OFFICER:** Kayna Tregay
SITE ADDRESS: Land To Rear Of Tec House 6 Marsh Street City Centre Bristol BS1 4AX

APPLICATION NO: 18/00386/F Full Planning

DETERMINATION DEADLINE: 6 December 2018

Development of the site for a three storey building comprising 2 no. Class C3 flats, with ancillary cycle and refuse storage.

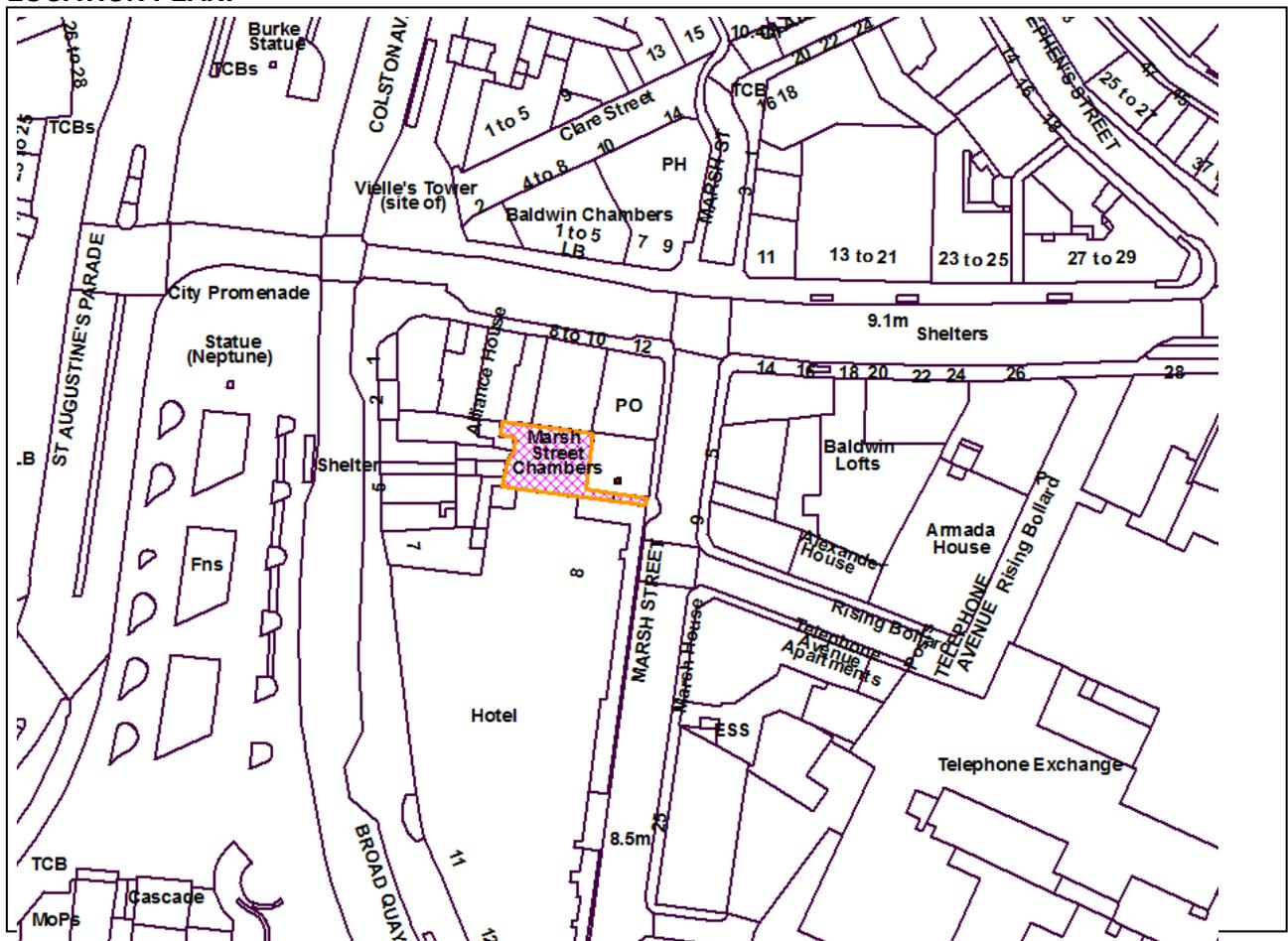
RECOMMENDATION: Refuse

AGENT: Pegasus Planning Group Ltd
 First Floor, South Wing
 Equinox North, Great Park Road
 Almondsbury
 Bristol
 BS32 4QL

APPLICANT: A Caci Property Lettings And
 Management
 c/o Agent

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



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PROCEDURAL NOTE

This application has been referred by Councillor Smith, who wished the application to be determined by committee if the officer recommendation was for refusal. Councillor Smith's reason is as follows:

"This development is consistent with the new urban living SPD making good use of a backland site to produce permanent homes in the city centre."

Note: At the time of writing and at the time that Councillor Smith referred the application, the Council's Urban Living Supplementary Planning Document (SPD) was emerging. At the time of writing, it was expected that the SPD would be adopted on 6 November 2018, which would be immediately before the application was to be determined by committee.

SUMMARY

The applicant proposes a three storey building containing two new flats in the city centre of Bristol. There is strong national and local policy support for new residential development. However, policy is also very clear that new development should create good quality homes and should not harm the existing living conditions of neighbours.

Officers consider that the proposed design would result in dark flats with a poor outlook in an unattractive (and potentially insecure) backland location. Furthermore, the proposed building would unacceptably block the outlook of neighbours. The site lies in a flood zone. However, the Environment Agency has withdrawn its objection and there are no objections from the council's Civil Protection Officer, so it would not be reasonable to refuse on flood risk grounds. Other concerns have been overcome or could be controlled via planning conditions.

In summary, despite the policy support for housing, the application is recommended for refusal due to: the unacceptable living conditions for future occupiers; and the unacceptable impacts on the neighbouring amenity.

SITE DESCRIPTION

The application site is land to the rear of Tec House, 6 Marsh Street. This is a backland site enclosed on four sides by the following:

- Tec House: (unimplemented permission for ground floor restaurant (11/02423/F), with occupied residential flats on the first, second and third floors (four storeys in total);
- Central Quay North: residential flats (five storeys);
- Broad Quay: cafés and restaurants facing onto the Harbourside area with some residential flats above (three to four storey buildings);
- Baldwin Street: offices (four storeys).

The site is located within Flood Zone 2 and the City and Queen Square Conservation area.

The site is accessed from Marsh Street via a metal gate and an undercroft. It lies above the basement of Tec House. The owners/ occupiers of Tec House also have a right of access over part of the site and have permission for a bin store within the site. There are also rear accesses from the buildings on Broad Quay and the businesses occupying these buildings have bin stores fronting onto the site. There is also a bin store associated with Central Quay House by the Marsh Street entrance to the site.

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Maps from 1828 and 1900s show that part of the site contained buildings in the past. Images from Google Earth show that in 2005 there was some ground level built form on the site, which appeared to be a roof to the cellar below. In 2006 the site was used for parking. In 2007 there were some temporary buildings on the site, which may have been a site office for the development of Central Quay North. The site is currently vacant, although contains the access routes described above.

PROPOSED DEVELOPMENT

The application proposes a building to include two flats over three floors (planning use class C3):

- Flat 1: Ground floor, including a kitchen/ diner (25 sq m), bedroom (12 sq m) bathroom (5 sq m) and utility room (12 sq m).
- Flat 2: First and second floor split level flat, including kitchen/ diner/ lounge (49.5 sq m), utility room (12 sq m), 2no bathrooms (5 sq m each) and 2no bedrooms (24 sq m and 11 sq m).

Also proposed is:

- Bin store
- Cycle store
- Landscaping scheme, including a tree, green walls, hard paving and seating to act as an amenity space.

Following officer concerns, during the lifetime of the application, the applicant made revisions to the proposals. The main changes are as follows:

- Reduction from three flats to two, including a redesign of the building to step away from southern and eastern elevations (NB - height of the building was not reduced).
- Raising of the ground floor finished floor level and addition of flood resistance measures.
- Introduction of landscaping scheme.
- Relocation of bicycle storage from external to internal.
- Relocation of building front door and addition of an overhang.

RELEVANT PLANNING HISTORY

16/03514/F - Development of the site for a three storey student accommodation block comprising 3 no flats, with ancillary cycle and refuse storage.

Withdrawn following officer concerns - 26 October 2016

11/02423/F - Construction of new 3rd floor and rear ground floor extensions. Change of use from B1 offices to ground floor/basement restaurant (A3 use) and 6 residential flats at 1st, 2nd and 3rd floor.

Refused by the Local Planning Authority (15 August 2011). The application was subsequently approved subject to conditions by appeal (30 May 2012) reference APP/20116/A/12/2170122. That application referred to Tec House. The current application refers to land to the rear of Tec House.

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RESPONSE TO PUBLICITY AND CONSULTATION

a) External responses

i) Objections/ concerns

Three objections from members of the public were received. These are summarised as follows:

- The proposal will create a poor quality living environment for future occupiers, by building in a confined space with little natural light.
- The proposal will harm the amenity of neighbours, by affecting existing light levels and outlook. It will result in noise.
- There will also be noise from construction.

Bristol Civic Society and the **Conservation Advisory Panel** objected to the proposals. Their responses are as follows:

"**Bristol Civic Society** acknowledges that this site does nothing for the Conservation Area in its present state. However, the Society is not convinced that it can be developed to provide a satisfactory residential environment for future residents. The site is surrounded by buildings some of which are considerably higher than the proposed building. The present proposal would have a number of rooms situated in close proximity to some of these buildings which would overshadow them and reduce the quality of light they enjoyed. There is little or no potential for satisfactory amenity space and none shown in this proposal."

"**The [Conservation Advisory] Panel** considered that this land-locked site had been severely compromised by the extent that recent buildings on neighbouring plots had extended into the centre of the enclosed area, and also by their height. This restricted the possibilities for developments which included accommodation of any nature.

The proposed building was not an appropriate solution for this enclosed and constrained site and would have a negative impact on the amenity of surrounding buildings, and therefore also harm the Conservation Area.

A building with a different configuration or for a different use may be acceptable."

The Crime Prevention Design Advisor from the Avon and Somerset Police raised concerns about crime and security. Comments are summarised as follows:

- The entrance into site is through a narrow opening 1.5 metre in width and does not allow a view along its length and lacks natural surveillance. This is further compounded because entry is via a covered area, which does lend itself to inappropriate gatherings and anti-social behaviour. [Note: following amendments, the Police stated that whilst the front door has been relocated, the overall site entrance is still narrow with very little natural surveillance].
- The site itself lacks overall natural surveillance which can result in crime and anti-social behaviour.
- There also appears to be two existing exit routes which do increase permeability. Too much permeability of a development makes controlling crime very difficult, as it allows easy intrusion around the development by potential offenders. All planned routes should be needed, well used by generating adequate footfall at all times, well overlooked and well integrated.
- There is bike/bin storage provided for the restaurant, this will allow people, who are not residents, to enter the site. People expect to see strangers in public space, so there is a natural tendency to ignore them, providing the offender with the anonymity, and the opportunity to commit offences.

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- Due to the comments above I feel that this application does not meet the safety and security requirements of the National Planning Policy Framework or the Bristol Core Strategy.

The Environment Agency initially objected to the proposals (22.08.2018):

"Environment Agency Position

We object to the proposed development on flood risk grounds as it has not been demonstrated that the site can be made safe over its lifetime taking into account the predicted impacts of climate change.

In the first instance is for the local planning authority to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

The proposed development is located in Fluvial and Tidal Flood Zone 2. We would classify the site as 'More Vulnerable' as it is to be used for C3 residential use, and thus a 100 year design life must be considered. This is in accordance with national planning policy and associated planning practice guidance.

We object to self-contained dwellings on the ground floor with no access to a safe refuge on an upper floor. Consideration should be given to maisonette style flats or moving residential accommodation to the first floor and above with less vulnerable uses on the ground floor.

It is important to note that whilst Bristol City Council is currently developing a River Avon Tidal Flood Risk Management Strategy, there is not yet certainty of delivery and the development is not protected to an appropriate standard for the lifetime of development. Even with defences in place, there will remain a residual flood risk.

The application as submitted is contrary to paragraphs 155 and 163 of the revised National Planning Policy Framework and policy BCS16 of the adopted Bristol City Council Core Strategy constituting inappropriate development in an area of fluvial and tidal flood risk.

It may be possible for the applicant/agent to overcome our objection by submitting information which addresses the above issues to our satisfaction."

Following the submission of amended plans, the Environment Agency removed their objection and recommended conditions should the application be approved. The Environment Agency's final comments can be read in full on line. The final comments also include the following statement:

"Prior to deciding this application we recommend that due consideration by the Local Planning Authority and/or applicant as appropriate is given to the issues below and consultation be undertaken with the relevant experts where necessary:

- The provision of an emergency flood plan.
- Details and adequacy of an emergency plan
- Adequacy of rescue or evacuation arrangements including disabled access to refuge area
- Whether insurance can be gained or not"

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Bristol City Council's Civil Protection Officer made the following comments:

"I have no objections assuming the raised floor and flood protection measures are provided as described. There would still be concern that the ground floor occupant might become stranded, even if sat on the roof. The FEP would have to include details of warning cascade with evacuation as the first option."

Bristol Waste raised concerns about refuse collection and their comments are summarised as follows:

- The initial application does not contain the type and quantity of bins to conform with guidance [note: amended plans were submitted showing revised bin types and quantities].
- It is unclear where bins will be presented on the day of collection. There is currently very limited access.

Wales and West Utilities had no objection, but advised the applicant contact them to ensure that their assets were not built over.

The Coal Authority had no objection, subject to recommendations set out in the applicant's risk assessment being followed.

ii) Support for the proposals

Five representations of support were received. These are summarised as follows:

- The proposals are a good use of a vacant site.
- The proposals will improve the appearance of the site and would encourage it to be better maintained.
- The proposed housing is welcomed and will add to the vibrancy of the area.
- The proposals would stop trespassers, intruders, drug dealers and drug-users from entering the site [officer note: the Crime Prevention Design Advisor has stated that there are no records of drug-related crime at the site, although this does not mean that drug-crime does not occur at the site].

b) Internal representations

The Urban Design Officer commented as follows:

"Having reviewed the information submitted in support of application 18/00386/F 6 Marsh Street, it is considered the scheme has not overcome the issues raised previously. To expand on the points raised in my previous comments [ref:16/03514/F] there are particular concerns with regard to the principle of developing the site for residential use, quality and natural legibility of access and the resultant living environment for future residents.

While the site history suggests the area has previously been developed, the extent of this appears to be restricted to temporary use or covered basement area. As such the assessment is made of how the site currently functions and relates to existing development, which serves as an internal space, enclosed by surrounding perimeter development. While access is not permitted to residents, the area still performs a visual amenity function.

Notwithstanding this, the constraints of the site results in a compromised living environment with regard to outlook, daylight and sunlight access. The Daylight and Sunlight report is noted, and while it is acknowledged that the proposed development does exceed some BRE standards in some

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areas, there are several rooms which fall below acceptable levels in the guidance (some by a substantial amount) The assessment of daylight levels to specific room functions also serves to limit the future adaptability and flexibility of the development as well as increasing reliance on artificial lighting. In terms of outlook, there are also a number of rooms which are served only by roof lights.

The links between access to direct sunlight, adequate levels of daylight and outlook to the health and wellbeing of residents is well documented (as explored in the emerging Urban Living SPD and associated Quality Standards). While concessions have and are made with regard to outlook and daylighting, these are generally limited to the conversion of existing and historic buildings; to allow these conditions in a new build development is not justified.

As previously commented, there are concerns with regard to the quality and natural legibility of access to the development. The revised scheme is not considered to have overcome this issue and as such the development in this area is considered to create an ambiguous situation as to the public or private nature of the space.

Therefore, while the scheme demonstrates a response to the immediate context and constraints of the site, the outcome of this process is not considered to benefit the urban design of the area or provide a satisfactory living environment for new residents. The proposal cannot be supported as it is contrary to policy DM27, DM28 and DM29.

As such the site is not considered suitable for residential development; instead reinstatement of the basement area to be used ancillary to surrounding commercial use may be more appropriate."

The Urban Design Officer's comments on the previously withdrawn application are referenced above and remain relevant. These are set out below:

"The Proposal

The site proposes to develop an area to the rear of 6 Marsh Street to provide student accommodation. The proposal covers the majority of the footprint of the courtyard area. Given the dense nature of this urban block, the open courtyard provides an important source for daylight and some outlook to neighbouring residential units.

There are a number of principle concerns related to the suitability of the site to provide proposed residential (student) use as set out below:

Access

- The understated access provided via a narrow, covered alleyway is not legible as a main entrance to residential units.
- There are also concerns over the sense of and actual security of site.

Layout

- Developing the courtyard undermines the purpose for which this area was left open in developing the urban perimeter block.
- The courtyard location compromises the outlook and daylight to existing residential units, and provides an unsatisfactory living environment for new residents (students).
- The scheme does not provide amenity space.
- Development in this area is considered to create an ambiguous situation as to the public or private nature of the space. E.g. currently ancillary service areas for Tech house and rear elevations of the surrounding block, which is considered to be a private area.

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Form

- The design and form of the building clearly responds to the immediate context and constraints of the site. However, in doing so is considered to provide an unsatisfactory living environment for new residents.

Conclusions/Recommendations

While the proposed scheme demonstrates a response to the immediate context and constraints of the site, the outcome of this process is not considered to benefit the urban design of area or provide a satisfactory living environment for new residents.

As such, the suitability of the site to provide residential/ student accommodation is questioned.

As set out above the proposal cannot be supported as it is contrary to policy DM27, DM28 and DM29."

The Arboricultural officer advised that the proposed site was an unsuitable location for the proposed tree (verbal comments).

The Land Contamination officer's comments are summarised as follows:

- The proposed development is sensitive to contamination and is situated on or adjacent to land which has been subject to land uses which could be a potential source of contamination. Historically uses in this area varied from depots to wallpaper manufacturers and brewers.
- No objection subject to conditions.

The Flood Risk Officer's comments are summarised as follows:

- Standing advice applies for the drainage strategy and regarding surface water management.
- The Environment Agency will provide advice regarding the main river flood risk.

The Pollution Control officer's comments are summarised as follows:

- The acoustic report is acceptable.
- No objection subject to conditions.

The Sustainability Officer asked for more information on how overshadowing of the proposed photovoltaic panels had been calculated. Following a response from the applicant, the sustainability officer raised no objections.

The Transport Development Management Officer's initial comments are summarised as follows:

TDM have assessed the proposal submitted and have no objection to the principle of three flats in a City Centre location subject to detail; to which TDM require the following amendments:

- Policy compliant cycle storage.
- Submission of a Waste Strategy.
- Re locate the bin store to achieve the 1.5m access.

Following the submission of amended plans, the Transport Development Management Officer commented as follows:

"Transport Development Management (TDM), have re assessed the revised plans submitted for Tec House. TDM appreciate the access routes either side to the proposed property are constrained in terms of width, and that the applicant has utilised all the space they have compared to the

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original plan; therefore Transport Development Management are satisfied to recommend approval subject to the bin and bike doors being widened."

RELEVANT POLICIES

City and Queen Square Conservation Area Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2018

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

1. Principle of development

The application proposes residential accommodation in Bristol City Centre. This is supported in principle by policies BCS2, BCS5 and BCAP1. Policy BCS18 states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to support the creation of mixed, balanced and inclusive communities.

Overall, the principle of development is considered acceptable, insofar as new housing is supported in the city centre, should all other policy matters be adequately addressed. However, as set out below, there are serious officer concerns regarding design and amenity, which have led to the recommendation for refusal.

2. Design

Both the external and internal design of the site has an impact on the living environment for future owners and occupiers. The external design is discussed in this key issue, and the key issue below sets out the officer assessment relating to the internal living conditions for future occupiers.

Section 12 of the NPPF and local plan policy BCS21 require good quality urban design. Policy DM26 states that backland development should be subservient to surrounding frontage buildings. The proposals do achieve subservience in this respect. Policies DM27, DM28 and DM29 set out the required criteria for achieving the successful layout and form of buildings, public realm, and design of new buildings. Some policy points relating to the external parts of the proposed design are set out below:

- Spaces should not compromise the security of the development.
- There should be direct, clear, safe and attractive links to existing routes.
- The public and private realm should be clearly defined and secured.
- There should be distinct public fronts and private backs.
- There should be active frontages to the public realm.
- Crime and fear of crime should be minimised.
- Entrances should be clearly defined.
- Landscape design proposals should be high quality, using appropriate species and planting that are fit for purpose.

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Furthermore, Bristol City Council has recently consulted on the "Urban Living" Supplementary Planning Document (SPD). At the time of writing the SPD had not been adopted, but was due to be adopted on 6 November. During the assessment of the application the emerging draft did carry some weight in the planning process. It states that development will need to make the most efficient use of land and that this will mean "developing densities above those of the surrounding area on most sites". However, it also sets out that new residential development should create good quality places to live.

The emerging SPD sets out some questions which act as guidance for proposed residential development. The SPD sets out that these are relevant to developments of 10+ units. However, it is considered that they are useful guiding principles for smaller developments such as this one as well.

- Q2.1 Does the scheme make building entrances and shared internal spaces welcoming, attractive and easy to use?
- Q2.2 Does the scheme provide practical, attractive and easily accessible communal amenity space that meets the needs of its target resident profile?

Some key concerns with relation to the above policy and the emerging SPD are set out below:

a) Site entrance

The overall entrance to the site from Marsh Street is through an existing pedestrian gate and undercroft. The gate is set back and the undercroft appears dark and enclosed. The entrance is narrow and does not allow a view along its length. This is not considered to be a legible entrance to the site. In response to officer concerns about the site access, the applicant has relocated the front door of the proposed building so as to be more visible through the gate and from the street. An overhang has also been added to further define the entrance. This improvement is acknowledged, but the overall entrance to the site remains poorly defined and is not considered legible.

b) Distinction between public and private space.

As set out above, the owners and occupiers of surrounding buildings have access to the site and through the site along the south side. The businesses on Broad Quay store their bins to the rear of the Broad Quay buildings, facing onto the site. There are rear entrances from these Broad Quay buildings. As a result, the site is very permeable and the distinction between its public and private function appears unclear. As set out by the Crime Prevention Design Advisor, too much permeability makes controlling crime very difficult. Residents would expect to see strangers on the site, associated with the Broad Quay buildings, providing intruders with anonymity and the opportunity to commit offences. Whilst there is a lockable gate on site, tailgating is difficult to avoid in practice.

The applicant has sought to address the concerns about the ambiguous nature of the space by submitting landscaping proposals. A variety of hard surfacing treatments are proposed to delineate the existing access route and to define an area of private amenity space to be used by future residents. However, it is not considered that this would deter intruders or provide a practical distinction to the extent that would overcome officer concerns.

Overall, the proposals do not comply with the policy set out above, and the development will not create a safe or attractive environment for future owners and occupiers.

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With regards to heritage, the site is situated in the City and Queen Square Conservation Area. Hence, the impacts of the proposals on the Conservation Area must be considered. Given the backland nature of the site and the limited degree to which it will be seen from the street, it is not considered the proposals would result in any harm to the character and appearance of the conservation area. In making this assessment, officers have considered the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and relevant Local Plan policy, including BCS22 and DM31.

4. Neighbouring amenity

Policy BCS21 states that new development should safeguard the amenity of existing development. Policies DM27 and DM29 state that new development should achieve appropriate levels of privacy, outlook and daylight.

The proposed development is enclosed on four sides. The offices on Baldwin Street have rear-facing windows, but these are relatively high level and there are no concerns about the impact on their amenity. Neither is there concern about the Broad Street buildings to the west; these buildings are either businesses, or flats that are sufficiently removed from the proposals so as to be unaffected. The ground floor of Tec House (with an unimplemented permission for a restaurant) to the east does not have any ground floor windows, so this is not of concern. However, there are serious concerns about the impact on the amenity on the residents of the flats in the Tec House upper floors and in Central Quay North.

It is worth noting that the applicant has drawn attention to the fact that the site has been previously developed. As set out above, there was development on the site in the 1800 and 1900s. The site has been used as a basement roof, car park and temporary site office until the construction of Central Quay North in 2007. Regardless of these past uses, the site currently functions as an internal space enclosed by surrounding perimeter development and thus has a visual amenity function. The unimplemented permission for the single storey extension to the ground floor restaurant in Tec House is not considered to affect the function of the existing space to a significant degree.

With the above in mind, officer concerns with regards to impact on neighbouring amenity are set out below.

a) Daylight and sunlight

The applicant has submitted a daylight and sunlight report. This analyses the effect of the proposed development on the daylight and sunlight amenity of neighbours. It follows the guidance set out in the Building Research Establishment's (BRE's) "Site layout planning for daylight and sunlight: A guide to good practice" (Second edition, 2011). This is accepted guidance. It uses a number of tests: vertical sky component (how much sky can be seen from a window), annual probable sunlight hours and daylight distribution. Following the raising of the proposed building in order to address flood risk concerns, the applicant advised that they had re-run the daylight and sunlight modelling that underpins their daylight and sunlight report. The applicant advised that there was no change compared to the report originally submitted. The assessment below is made on the basis of the original report submitted.

The report shows with the exception of one room, loss of daylight and sunlight to neighbours either would not occur, or would be within the parameters of acceptability as defined by the guidance. However, it is worth noting that despite this, the first floor rooms of Tec House (study, living room/ kitchen/ diner (LKD) and bedroom) would all experience some reduction in the amount of sky that

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they could see (i.e. the vertical sky component of the test). One LKD room would fall slightly below the acceptable reduction, as defined by the guidance.

Overall, given that the BRE guidance is accepted by the council, officers do not consider that there are grounds to refuse on daylight and sunlight loss to neighbours alone.

b) Overlooking and loss of privacy

Following revisions by the applicant, the largest windows serving proposed habitable rooms have all been located on the proposed west elevation, facing the rear entrances and bin storage areas of Broad Quay. Remaining windows, for example those serving the two east-facing "utility rooms" and one east-facing bedroom, would be obscurely glazed. Overlooking and loss of privacy is therefore not of concern.

The outdoor flood refuge area would lead to overlooking and loss of privacy if it were used as an amenity area. However, use of this area as an amenity area could be controlled via a planning condition.

c) Overbearing and loss of outlook

Despite revisions by the applicant, this issue is of serious concern.

Separation distances between the rear-facing rooms of Tec House and the proposed development would be between 2.5-4.5m on the first floor and 2.6-4.5m on the second floor. Separation distances between the windows of Central Quay North and the proposed development would be 3m at first floor level and 5.8m at second floor level. These existing rooms include bedrooms and LKDs. The rooms are single aspect. These rooms currently have an outlook onto the internal courtyard, which is not as attractive as it could potentially be. However, is nevertheless valuable, particularly given the rooms are single aspect. The proposed development would result in unacceptable loss of outlook (as highlighted by an objecting neighbour), and harmful overbearing to the surrounding occupiers of Tec House and Central Quay North, particularly those residents on the first floors. The introduction of a stepped building design has mitigated the impact to some extent, but the harm remains, particularly to the existing first floor flats. The raising of the proposed floor levels to resolve flood risk issues adds to the issue.

For these reasons, the proposed development is considered to result in unacceptable harm to the amenity of neighbours. This is one of the reasons why the application is recommended for refusal.

d) Noise and disturbance

Concern has been raised about noise and disturbance to neighbours. Noise from construction could be controlled via the submission of a construction management plan. Noise from the day-to-day use of the proposed development, including the proposed amenity area is not considered to be any more harmful than noise emanating from the existing use of the site as a thoroughfare to the surrounding buildings.

5. Living conditions for future occupiers

Policy BCS21 states that new development should create a high quality environment for future occupiers. Policies DM27 and DM29 state that new development should create appropriate levels of privacy, outlook and daylight. Policy DM29 states that appropriate amenity space and landscape design proposals should be incorporated into new development.

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The emerging SPD, whilst recognising the need for denser development, sets out guiding questions, such as the following. Again, these are focussed on developments of 10+ units, but are useful guidance for smaller developments such as this one.

- Q2.4 Does the scheme create attractive, well designed and well maintained private outdoor spaces?
- Q2.8 Does the scheme maximise opportunities for daylight and sunlight of internal spaces; avoiding single aspect homes?

Officers have serious concerns about the proposed living conditions for future occupiers, as set out below:

a) Daylight and sunlight

As stated above, the applicant has submitted a daylight and sunlight report. This describes and evaluates the expected daylight and sunlight levels to be experienced by future occupiers. It uses two of the tests referred to above: Average Daylight Factor and Annual Probability Sunlight Hours.

The ground floor living room/kitchen/diner and bedroom fails both these tests. The first and second floor windows pass the first test, but fail the second, with the exception of one window. The final paragraph of the report states:

"The nature of the confined site will restrict the daylight and sunlight amenity to any scheme. However, the scheme architect has sought to optimise the amount of natural light by maximising the amount of glazing and positioning the main rooms so that the windows have least obstruction."

The attempts of the applicant to improve the scheme are acknowledged. However, the lack of natural light is not considered acceptable.

It is worth noting that the proposed tree, whilst considered unsuitable for the reasons set out in d) below, would only serve to overshadow the proposed windows yet further.

b) Outlook

Many of the proposed rooms are single aspect. Some larger living spaces have more than one window, although all face the same way. Some rooms have rooflights. The main outlook of the rooms in both flats would be towards the rear façade of Broad Quay. This is not considered a good quality outlook. Separation distances would be very low (2.2m at the lowest point) and future residents would be looking out onto fire escapes, bin stores, air conditioning units and other paraphernalia associated with the restaurant and café uses. The applicant has attempted to improve the outlook via a proposed landscaping scheme. However, this is not considered to overcome officer concerns (see d) below). One second floor bedroom window is obscurely-glazed and whilst a bedroom is not considered a main living space, when taken in conjunction with the rest of the poor quality outlook, this is not considered acceptable.

c) Privacy

The majority of the larger windows are located on the west elevation, facing the rear façade of Broad Quay. These windows serve living room/ kitchen/ diners and bedrooms. Overlooking between residential properties has been mitigated, due to the reconfiguration of windows and the introduction of obscure glazing. Individuals working in the Broad Quay restaurants and cafes would be able to see into the proposed ground floor windows in passing, although window-to-window overlooking would not be of concern. Overall, the levels of privacy are not ideal, but are not considered a reason to refuse the application.

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BS1 4AX

d) Amenity space and landscaping

In response to officer concerns about the living conditions for future occupiers, the applicant has produced a landscaping scheme. This includes, hard landscaping (such as surfacing), an amenity area including seating, a tree and green walls and roofs.

The arboricultural officer has advised that in such an overshadowed space, any proposed tree will be very unlikely to thrive and grow. In the event of its survival, the tree would further block light to the proposed windows. The Bristol City Council urban design officer has both advised that the overshadowed nature of the site renders it unsuitable for a green wall, even with maintenance. The applicant has proposed seating as part of a communal outdoor amenity area for residents. However, given the confined nature of the proposed space, in close proximity to the rear of the Broad Quay restaurants and cafes, it is not considered that the proposed amenity space would be a good quality or attractive environment for future residents.

In summary, whilst the efforts to improve the outdoor space are acknowledged, in this case, measures proposed do not overcome officer concerns about the quality of the proposed living environment for future occupiers.

e) Potential for adaptability

As set out above, the proposed ground and first floor plans show "utility rooms" of 12 sq m each. The proposed first floor plan shows a kitchen/ dining room/ lounge of almost 50 sq m. The second floor includes a 24 sq m bedroom.

The proposed layouts do meet the relevant space standards. However, the LPA has little control over future subdivisions, for example the addition of partitions or conversion of the utility rooms to further bedrooms. In theory this could be controlled by condition, but this would be impractical to keep under review or to enforce. The Local Planning Authority has to assess the proposals on the basis of the plans submitted. However, in this case, the LPA notes how the layout particularly easily would lend itself to subdivision. This would result in the creation of further habitable rooms experiencing low light levels.

6. Flood risk

Paragraphs 155-165 of the National Planning Policy Framework (NPPF) set out national flood risk policy. Policies BCS16 and BCAP5 set out local policy with regards to flood risk. This policy is supported by the Bristol City Council's Flood Risk Sequential Test Practice Note (August 2013) and extensive technical guidance on the Gov.UK website.

The application site lies in Flood Zone 2, as shown on the Environment Agency (EA) maps. Flooding would arise from tidal flooding. The proposed development is classified as "More vulnerable". This means that a sequential test has to be passed in order to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The applicant has submitted evidence to demonstrate that the sequential test is passed.

In the case of residential developments in Flood Zone 2 where the sequential test is passed, a site-specific Flood Risk Assessment (FRA) should be submitted in order to demonstrate that the risk of flooding can be acceptably managed over its lifetime. This therefore needs to include an allowance for climate change.

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The application site could be affected by tidal flooding. The relevant flood level is the 1 in 200 (0.5%) year predicted flood level, plus an allowance for climate change over the lifetime of the development. For residential development, the assumed lifetime of development should be 100 years. The applicant initially submitted a FRA which assumed a 60 year lifetime of development. Officers and the Environment Agency both agree that the design life of a residential building should be 100 years, as per the guidance set out in the National Planning Policy Guidance (Paragraph: 026 Reference ID: 7-026-20140306). The initial FRA did not demonstrate that the building could be made safe over its lifetime.

Following discussions with the applicant, a revised FRA was submitted. This latest FRA includes raised floor levels, the incorporation of a 600mm high flood gate and an outdoor refuge on the first floor green roof.

The Environment Agency suggested in their first response that maisonette-style apartments over two levels would be a solution which would reduce the risk to future occupiers. This has not been done. However, by raising floor levels, incorporating resistance and resilience measures such as 'tanking' the building and introducing a 600mm high flood gate, the applicant has sought to demonstrate how the proposed building would be able to withstand a flood level of 10.15m (10.15m is the 'design' flood level which the building would need to withstand, i.e. a 1 in 200 year flood event, plus an allowance for climate change). The reliance on flood gates is not considered ideal, since a self-contained ground floor flat remains. Furthermore, the Environment Agency has advised that insufficient information has been supplied in respect of resilience and resistance measures.

However, the Environment Agency has removed their objection and advised that proposed development could be allowed in principle (based on the proposed mitigation measures), subject to further information being provided via a condition requiring flood resistance and resilience measures. This would need to include more details of the proposed flood gate. The Environment Agency also stated that the LPA should give due consideration to the need for and provision of an adequate flood emergency plan; adequacy of rescue/ evacuation arrangements including disabled access to the refuge area; and whether or not insurance can be gained. The Civil Contingency Officer has advised that a flood evacuation plan would need to be conditioned. It is acknowledged that the proposed rooftop refuge area is not ideal since it is outside the building and requires the negotiation of steps. However, the Civil Contingency Officer had no objection subject to the preparation of evacuation plan focusing on the cascade of information to enable evacuation as the first option. With regards to whether or not the building could gain insurance, this is not something which the LPA can take a view on, but should other matters be resolved, then an informative could be added to tell future owners that the cost of insurance could be affected by the building being in a flood risk area.

In summary, given the mitigation measures proposed, and the absence of objections from the Environment Agency and the Council's Civil Contingency Officer, it is not considered reasonable to refuse the proposal on flood risk grounds. This would be subject to the inclusion of conditions, should all other matters be resolved.

7. Sustainability

Policies BCS13 to 15 set out policy on sustainability. The applicant has submitted a sustainability and energy assessment. This states that a 20% reduction in carbon dioxide emissions (from residual energy use) could be achieved by the installation of photovoltaic panels on the roof of the proposed development.

Concern was raised by the Sustainability Officer who considers that the effect of overshadowing has not been factored in. The applicant has used the Standard Assessment Procedure (SAP) to

Development Control Committee B – 7 November 2018**Application No. 18/00386/F : Land To Rear Of Tec House 6 Marsh Street City Centre Bristol BS1 4AX**

factor in overshadowing. This method is advised in the Council's current Climate Change and Sustainability Practice Note (December 2012). However, the Council's most up-to-date advice is to use an alternative method of calculating overshadowing, called the Microgeneration Certification Scheme (MCS) Standard Estimation Method. The MCS approach is a more precise methodology. Failure to use it means that the LPA cannot be confident that the annual yield from any installed PV panels would meet the predicted yield as set out in the Energy Statement, as explained further in the sustainability officer's advice set out above. Therefore, the LPA cannot be sure that the applicant can meet the 20% requirement as set out in BCS14.

Nevertheless, it is not considered reasonable to recommend refusal on this issue, due to the fact that the latest policy and guidance do not currently refer to the LPA's preferred methodology.

8. Land contamination

The land contamination officer has advised that the site has historically been used by a number of industrial uses, including depots, wallpaper manufacturers and brewers. A proposed residential use would be sensitive to contamination. Should all other matters be resolved, conditions would be added to secure a risk assessment, site investigation and any necessary remediation.

9. Transport and highways

No car parking is proposed, and this is reasonable, given the sustainable location of the application site.

Cycle parking was initially not in accordance with the standards set out in policy and guidance. However, the revised plans show covered, secure and appropriately-spaced cycle parking for up to 6 cycles.

With regards to waste, Bristol Waste stated that it was unclear how and where bins would be presented on the day of collection in order to be visible to collection crews on the day of collection. As observed on an officer site visit, there does appear to be space for this, without the need for receptacles to be placed on the adopted highways. The Transport Development Management officer suggested private collection, plus a waste strategy. However, Bristol Waste has stated that the standard kerbside collection service would be provided. Since the quantum of development has been reduced to two flats, two sets of containers only would be placed on the highway on the day of collection. The proposed development would be private accommodation and so it would be expected that residents would be responsible for placing containers onto the highway on the day of collection. Hence, kerbside collection is considered reasonable.

The dimensions of the bin store are considered suitable (following revisions). Should all other matters be resolved, a condition could be added to secure its final design and the incorporation of shelves to secure suitable space for green and black recycling boxes and food waste containers. A condition could also be added to require larger bike store doors, as advised by the TDM officer.

10. Noise

The applicant has submitted an acoustic report, which assesses the impact of noise on future occupiers of the proposed building. The Pollution Control Officer has advised that the report makes a number of recommendations with regards to wall construction, windows and ventilation. These recommendations could be secured via condition, should all other matters be resolved.

Conclusion: taking all material considerations into account, the application is recommended for refusal on two grounds relating to design and impacts on the amenity of neighbours.

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COMMUNITY INFRASTRUCTURE LEVY (CIL)

The CIL liability would be £21857.25.

RECOMMENDED REFUSE

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. By virtue of the proposed development's location, window configuration and general design, the proposed flats would experience unacceptably low levels of light and outlook, creating an unacceptably poor internal living environment. Externally, both the Marsh Street entrance and the public/private realm distinction within the site are poorly defined. The proposals would not create an environment where crime and fear of crime would be minimised. This would not deliver high quality urban design. The proposals are therefore contrary to policy BCS21 of the Bristol Local Plan Core Strategy (2011) and policies DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (2014).
2. By virtue of its location and size, the proposed development would cause unacceptable overbearing and loss of outlook to the rear-facing first floor residential flats of neighbours in Tec House and Central Quay North. The amenity of neighbours would therefore be unacceptably affected. The proposed development is therefore contrary to policy BCS21 of the Bristol Local Plan Core Strategy (2011) and policies DM27 and DM29 of the Site Allocations and Development Management Policies (2014).

Advice(s)

1. Refused Applications Deposited Plans/Documents

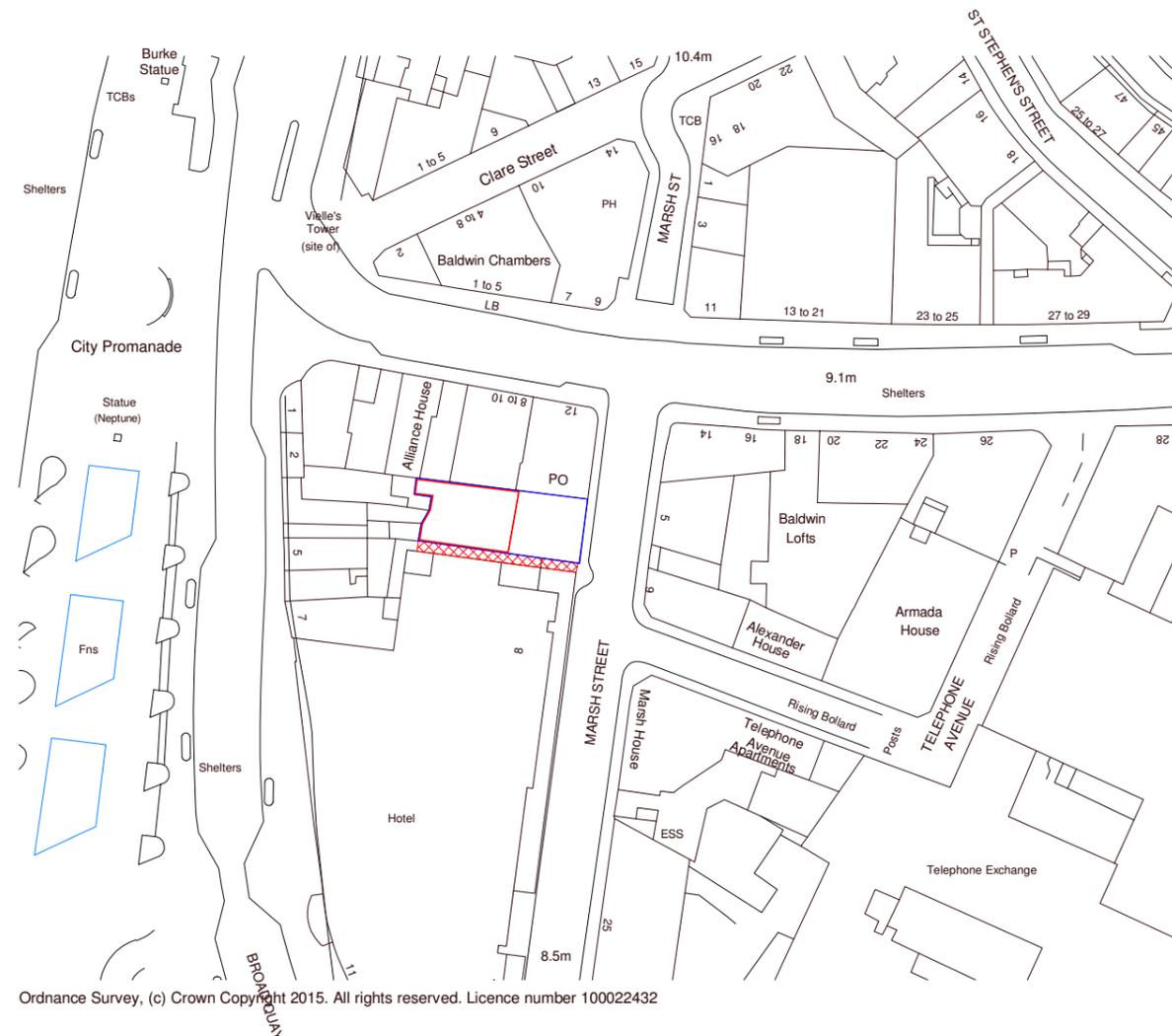
The plans that were formally considered as part of the above application are as follows:-

- 15152 Existing elevations, received 24 January 2018
- 15152 Site location plan, received 24 January 2018
- 202 Existing site plan, received 24 January 2018
- 203 Topographical survey, received 24 January 2018
- 305C Proposed site plan, received 25 September 2018
- 307C Proposed ground floor plan, received 25 September 2018
- 309C Proposed first floor plan, received 25 September 2018
- 310B Proposed second floor plan, received 25 September 2018
- 311B Proposed roof plan, received 25 September 2018
- 312B Proposed section AA, received 25 September 2018
- 313C Proposed north elevation, received 25 September 2018
- 314D Proposed east elevation, received 25 September 2018
- 315D Proposed south elevation, received 25 September 2018
- 316E Proposed west elevation, received 25 September 2018
- 317C Proposed 3D Views, received 25 September 2018
- 320B Proposed Section BB, received 25 September 2018
- LTS_096(08)101 C Landscape General Arrangement, received 6 August 2018

Supporting Documents

2. Land to Rear of Tec House, 6 Marsh Street

1. Location plan
2. Proposed site plan
3. Proposed ground floor plan
4. Proposed first floor plan
5. Proposed second floor plan
6. Proposed 3D views
7. Proposed section AA
8. Proposed section BB
9. Landscaping



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A 28/11/2017 Graphics corrected

Revision Number	Revision Date	Revision Description
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Partner	Drawn	Date
TM	SEJ	16/11/2017

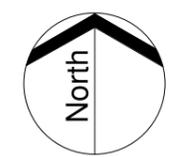
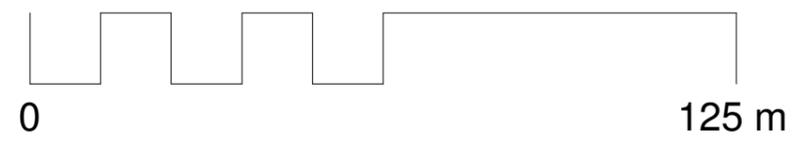
Status
Planning

Scale
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Project
Marsh Street - rear accommodation block

Title
Site Location Plan

Job No	Drawing No	Revision
15152	201	A



The Workshop, 254 Southmead Road, Bristol, BS10 5EN
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Revision Number	Revision Date	Revision Description
C	20/09/2018	Glazed balcony omitted on First floor.
B	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.
A	02/08/2018	Floorlight added

Partner	Drawn	Date
AJ	AB	06/07/2018

Status
Planning

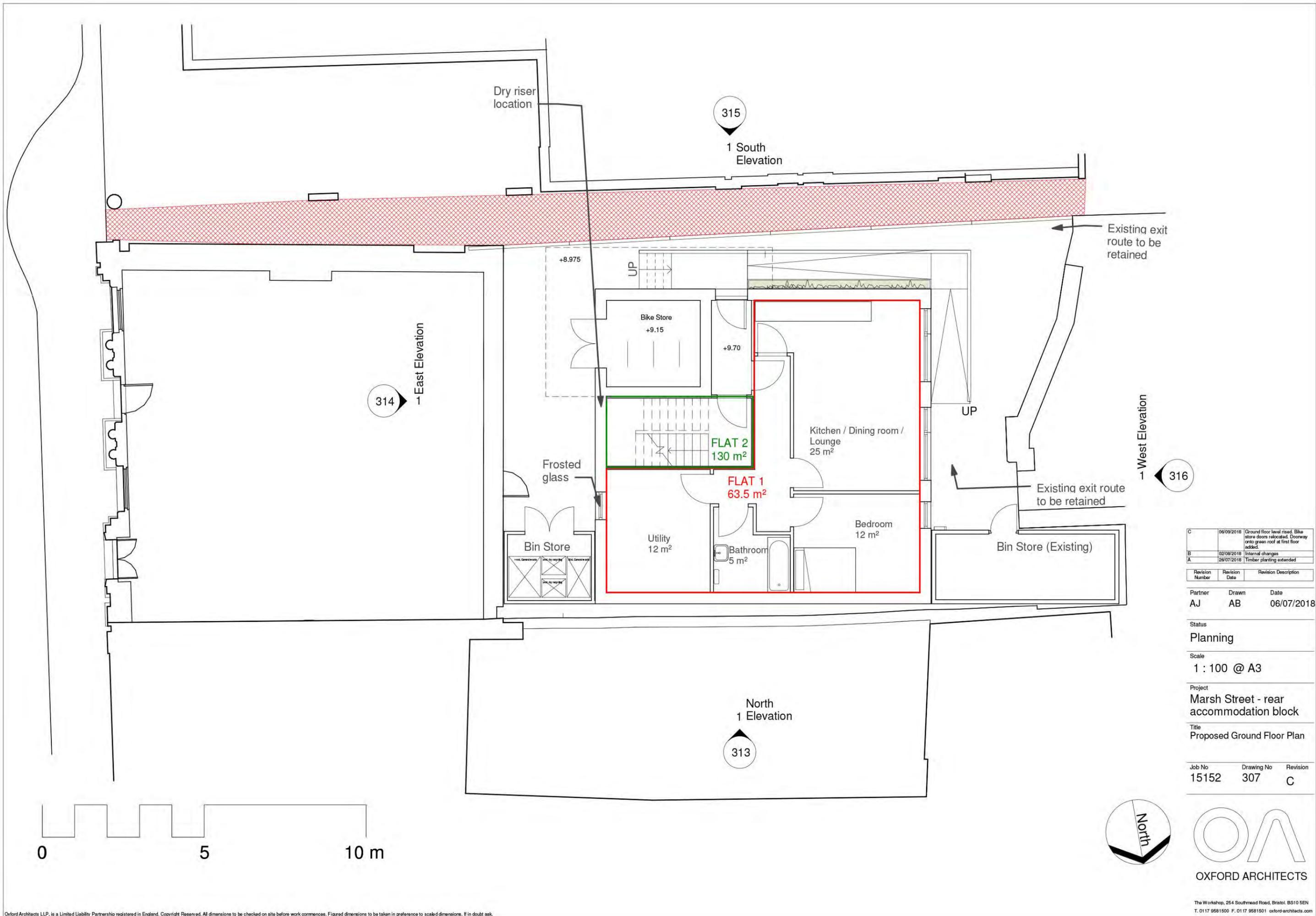
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Project
 Marsh Street - rear accommodation block

Title
 Proposed Site Plan

Job No	Drawing No	Revision
15152	305	C





C	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.
B	02/08/2018	Internal changes
A	28/07/2018	Timber planting extended

Revision Number	Revision Date	Revision Description
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Partner	Drawn	Date
AJ	AB	06/07/2018

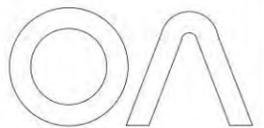
Status
Planning

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Project
Marsh Street - rear accommodation block

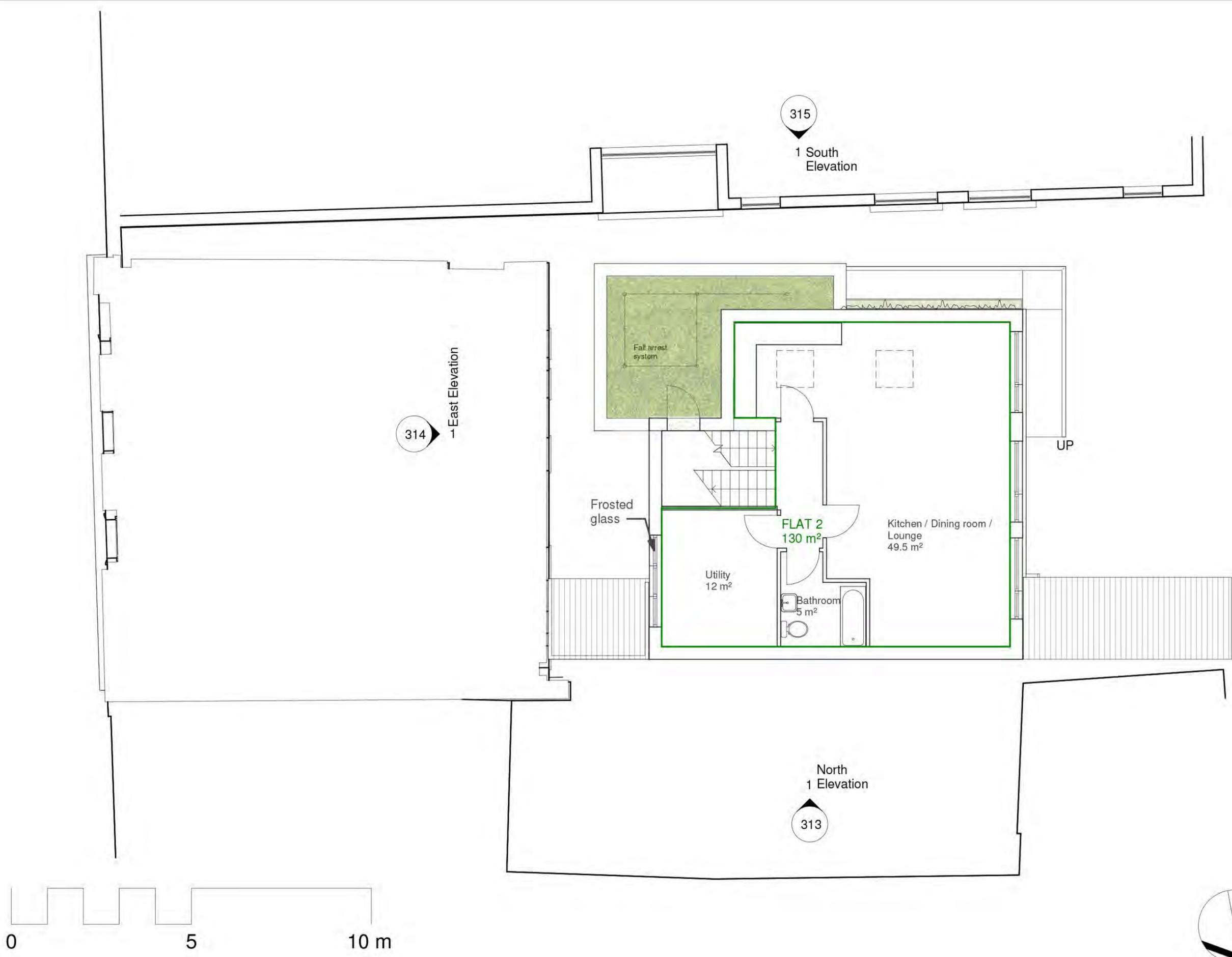
Title
Proposed Ground Floor Plan

Job No	Drawing No	Revision
15152	307	C



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C	20/09/2018	Glazed balcony omitted on First floor.
B	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.
A	02/08/2018	Internal changes

Revision Number	Revision Date	Revision Description
Partner	Drawn	Date
AJ	AB	06/07/2018

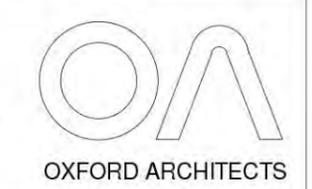
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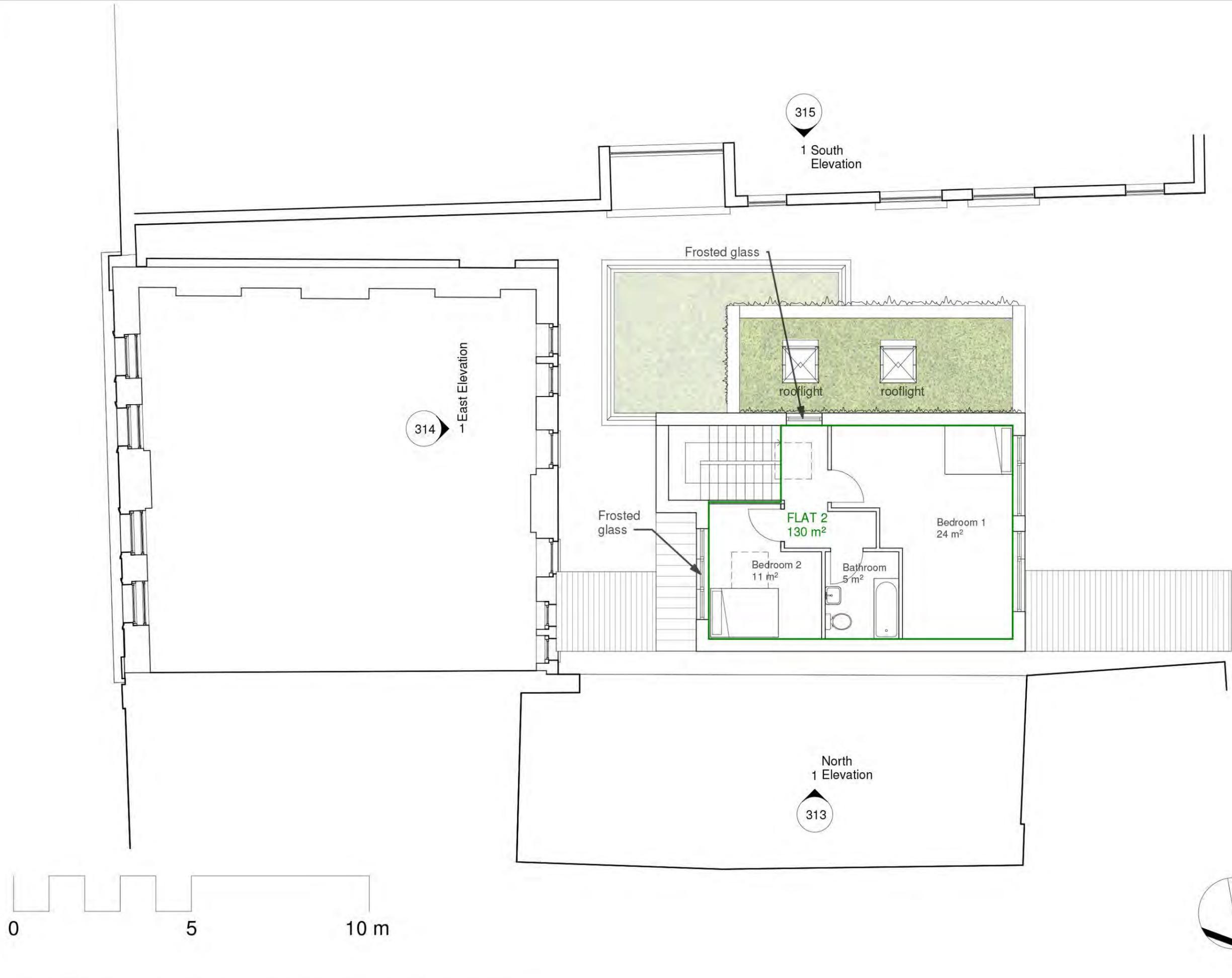
Scale
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Project
Marsh Street - rear accommodation block

Title
Proposed First Floor Plan

Job No	Drawing No	Revision
15152	309	C





B	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.
A	02/08/2018	Rooflight added

Revision Number	Revision Date	Revision Description
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Partner	Drawn	Date
AJ	AB	06/07/2018

Status
Planning

Scale
1 : 100 @ A3

Project
Marsh Street - rear accommodation block

Title
Proposed Second Floor Plan

Job No	Drawing No	Revision
15152	310	B





C	20/09/2018	Glazed balcony omitted on First floor.
B	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.
A	02/08/2018	Floorlight added

Revision Number	Revision Date	Revision Description
-----------------	---------------	----------------------

Partner Drawn Date
 Checker Author 06/07/2018

Status
Planning

Scale
 @ A3

Project
Marsh Street - rear accommodation block

Title
 Proposed 3D Views

Job No Drawing No Revision
 15152 317 C



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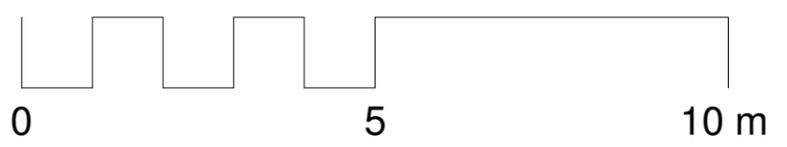
First Floor residential windows.
45 degree line

Second Floor FFL

First Floor FFL

Ground Floor

Existing basement to Tec House, no works are included in this application



B	20/09/2018	Glazed balcony omitted on First floor.
A	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.

Revision Number	Revision Date	Revision Description
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Partner	Drawn	Date
AJ	AB	06/07/2018

Status

Planning

Scale

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Project

Marsh Street - rear accommodation block

Title

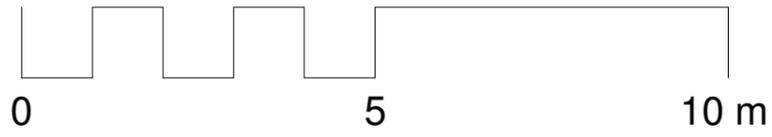
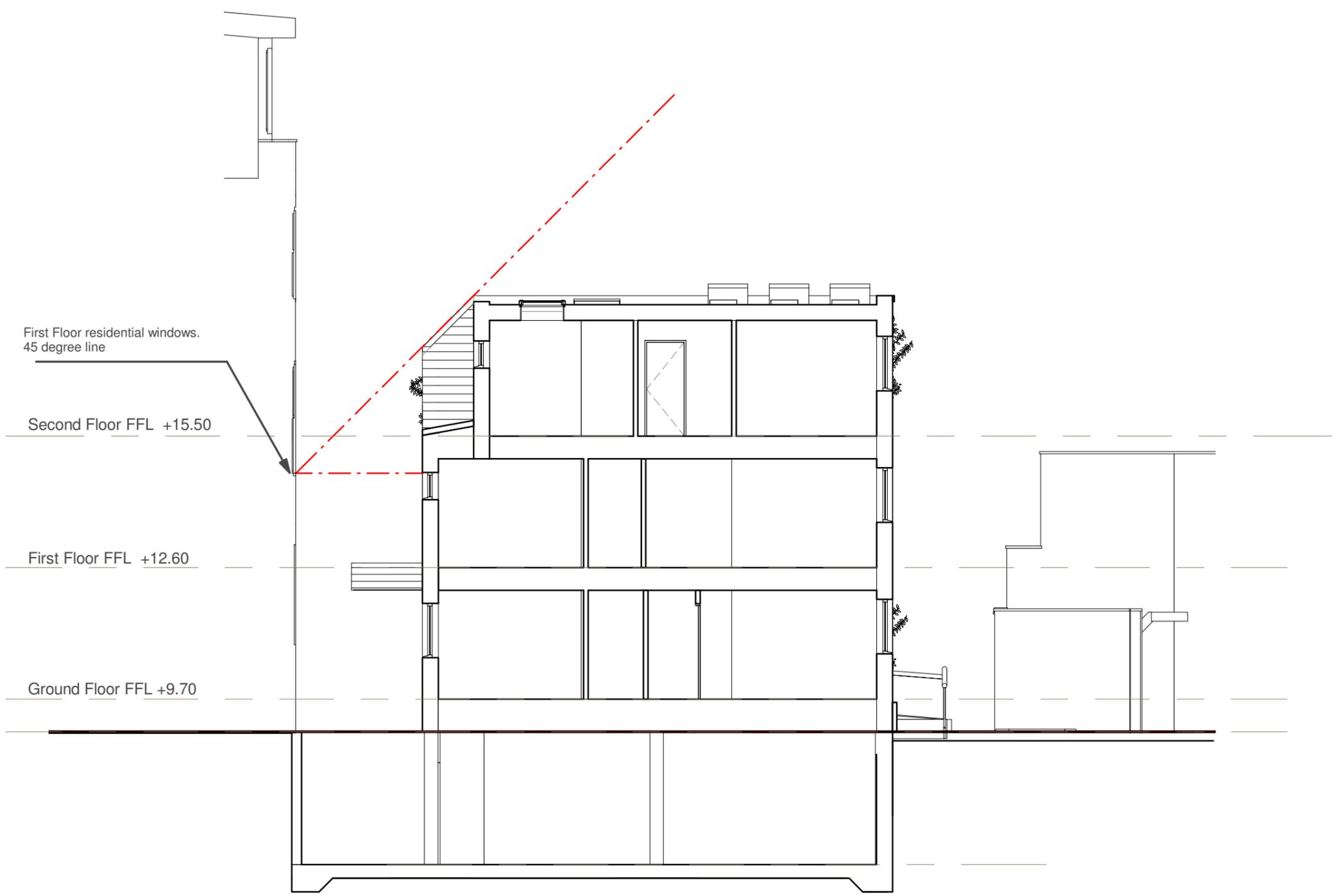
Proposed Section AA

Job No	Drawing No	Revision
15152	312	B



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Revision Number	Revision Date	Revision Description
B	20/09/2018	Glazed balcony omitted on First floor.
A	06/09/2018	Ground floor level raised. Bike store doors relocated. Doorway onto green roof at first floor added.

Revision Number	Revision Date	Revision Description
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Partner	Drawn	Date
AJ	AB	06/07/2018

Status
Planning

Scale
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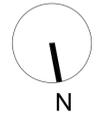
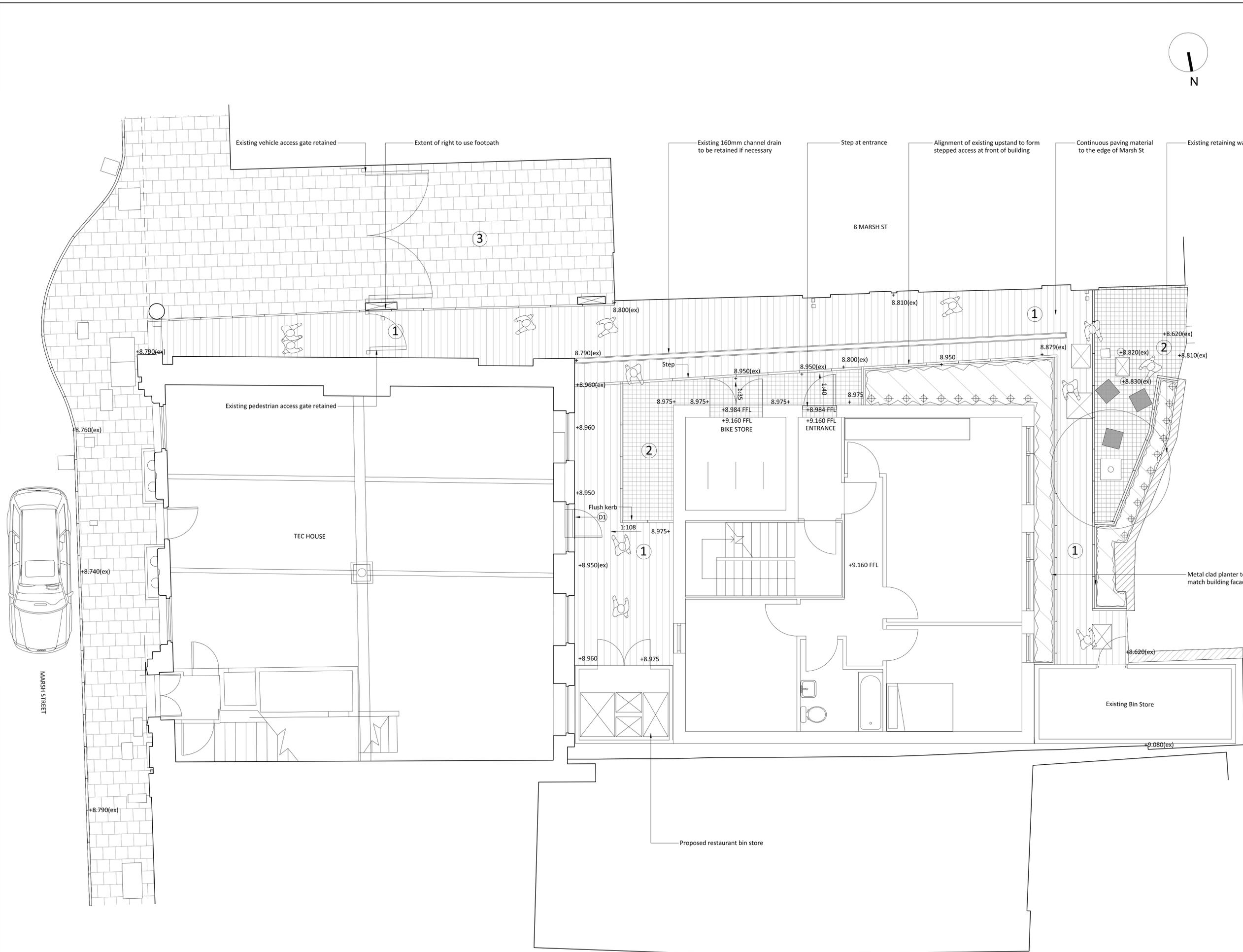
Project
Marsh Street - rear accommodation block

Title
Proposed Section BB

Job No	Drawing No	Revision
15152	320	B



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SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION:

IN ADDITION TO THE HAZARDS / RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING:

Significant Residual Risks:

Action to be Taken:

GENERAL NOTES:

1. ALL DIMENSIONS AND LEVELS SHALL BE CHECKED ON SITE PRIOR TO CONSTRUCTION WORKS COMMENCING.
2. ALL LANDSCAPE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS & ENGINEERS DRAWINGS AND SPECIFICATIONS.
3. ANY DISCREPANCY CONCERNING THE DRAWINGS SHOULD BE REFERRED TO LANDSCAPE ARCHITECT IMMEDIATELY.
4. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
5. ALL LEVELS ARE IN METERS.
6. EXISTING SERVICE ALIGNMENTS SHALL BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO CONSTRUCTION WORK COMMENCING.

Key

- Proposed semi-mature trees
- Proposed climbing plants with trellis
- Proposed planting area in raised planter
- Continuous resin bound surface finish through to Marsh
- Natural stone sett paving
- Existing concrete paving
- Existing wall
- Proposed stone benches
- Proposed slot drain
- Existing services locations
- Existing levels
- Proposed levels

Rev	Date	Description	Drawn	Checked
C	03.08.18	Updated building plan	JS	MND
B	26.07.18	Raised metal planters replace borders	JS	MND
A	11.07.18	Updated building, site boundary removed	JS	MND

FOR PLANNING

Studio 3, Toll Bridge Studios
Toll Bridge Road
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T +44 (0) 1225 571810
E contactus@ltstudio.co.uk

STUDIO

Client:
A CACI PROPERTY LETTINGS & MANAGEMENT

Project:
MARSH STREET

Title:
LANDSCAPE GENERAL ARRANGEMENT

Designed: **MND** Drawn: **JS** Checked: **NJR**

Scale @ A1: **1:50** Date: **JULY 2018** Approved: **MND**

Drawing No.: **LTS_096(08)101** Revision: **C**